

## Message Text

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PAGE 01 STATE 057718  
ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 JUSE-00 FBIE-00 CIAE-00 INR-07  
NSAE-00 MCT-01 SY-05 TRSE-00 PPT-01 SCA-01 SS-15  
SSO-00 INRE-00 /040 R

DRAFTED BY L/ARA:FARMSTRONG:RTG  
APPROVED BY L/ARA:FWILLIS  
ARA - MR. LUERS  
L/M - MR. MALMBORG  
ARA/MEX - MR. DREYFUSS  
JUSTICE - MR. BUVINGER  
-----152350Z 047326 /62  
O R 152247Z MAR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY MEXICO IMMEDIATE  
INFO AMCONSUL MERIDA

C O N F I D E N T I A L STATE 057718

E.O. 11652:GDS

TAGS: PINS, MX, US

SUBJECT:CUBAN CONSUL ASSASSINATION ATTEMPT -- PROSECUTION  
OF SUSPECTS.

REFS: (A) STATE 309290, (B) MEXICO 16210, (C) WILLIS/  
STARRS TELCONS OF MARCH 3 AND MARCH 15, 1977.

1. DEPT HAS DISCUSSED WITH JUSTICE ATTORNEY DAVID BUVINGER  
DISAPPOINTING RESULTS OF JUSTICE/FBI TRIP TO MEXICO LAST  
MONTH. DEPT CONSIDERS PROSECUTION OF SUSPECTS HELD IN  
U.S. (SEE BELOW) ON CHARGES RELATED TO THE MERIDA INCIDENT  
ESSENTIAL TO DEMONSTRATE USG COMMITMENT TO ITS ANTI-  
TERRORIST PROGRAM. HOWEVER, IF JUSTICE CANNOT OBTAIN EVIDENCE  
NOW IN THE HANDS OF MEXICAN AUTHORITIES, SOME OF IT  
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PAGE 02 STATE 057718

FOR PRESENTATION IN COURT TRIAL CURRENTLY SCHEDULED TO  
START APRIL 4, JUSTICE BELIEVES PROSECUTIONS IN U.S. RELATED  
MERIDA INCIDENT PRECLUDED. IN CASE OF SUSPECT GUSTAVO  
CASTILLO, THIS COULD INVOLVE HIS OUTRIGHT RELEASE IN EARLY  
APRIL, A CONSEQUENCE WE ASSUME GOM WOULD FIND AS HIGHLY  
UNFORTUNATE AS WE DO.

2. BECAUSE OF THE URGENCY OF THIS MATTER, DEPT REQUESTS  
CHARGE DELIVER FOLLOWING NOTE TO MINISTER OF FOREIGN RE-

LATIONS SOONEST. IN DOING SO, HE SHOULD STRESS THAT THE  
USG, LIKE THE GOM, IS DEEPLY CONCERNED ABOUT INTERNATIONAL  
TERRORISM AND THAT THIS CASE CLEARLY DEMONSTRATES NEED FOR  
INTERGOVERNMENTAL COOPERATION IN THIS AREA. HE SHOULD  
MAKE A PLEA FOR IMMEDIATE ACTION ON THE PART OF THE GOM,  
REITERATING IMPORTANCE DEPTS OF STATE AND JUSTICE ATTACH  
TO PROSECUTING INDIVIDUALS CURRENTLY IN CUSTODY, THE  
SPECIAL POLITICAL AND TIME FACTORS, AND USG'S READINESS  
TO CONSIDER SIMILAR REQUESTS FROM THE GOM. WE ARE PRE-  
PARED TO SEND JUSTICE AND STATE REPRESENTATIVES TO MEXICO  
TO PURSUE THIS MATTER WITH MEXICAN AUTHORITIES AT THE  
EARLIEST ACCEPTABLE TIME.

3. FOLLOWING IS TEXT OF NOTE TO BE DELIVERED:

1. THE EMBASSY OF THE UNITED STATES OF AMERICA HAS BEEN  
INSTRUCTED TO CALL TO THE ATTENTION OF THE SECRETARIAT  
OF FOREIGN RELATIONS OF THE UNITED MEXICAN STATES CERTAIN  
CIRCUMSTANCES SURROUNDING THE PROSECUTION IN THE STATE OF  
FLORIDA OF AN INDIVIDUAL IMPLICATED IN THE JULY 1976 IN-  
CIDENT IN MERIDA, YUCATAN, IN WHICH A BODYGUARD OF THE  
CUBAN CONSUL DANIEL FERRER FERNANDEZ WAS KILLED.

2. THREE INDIVIDUALS HAVE BEEN IDENTIFIED AS PARTICIPANTS  
IN THIS ATTEMPT TO KIDNAP OR ASSASSINATE THE CUBAN CONSUL:  
ORESTES RUIZ HERNANDEZ, GASPAR EUGENIO JIMENEZ ESCOBEDO,  
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PAGE 03 STATE 057718

AND GUSTAVO CASTILLO. MEXICAN POLICE AUTHORITIES APPRE-  
HENDED THE FIRST TWO SUSPECTS SHORTLY AFTER THE INCIDENT;  
RUIZ AND JIMENEZ ARE CURRENTLY INCARCERATED IN MEXICO CITY  
AWAITING TRIAL FOR MURDER, ATTEMPTED KIDNAPPING, AND RE-  
LATED OFFENSES. THE THIRD, CASTILLO, ESCAPED TO THE UNITED  
STATES AND IS NOW BEING HELD IN FLORIDA ON A COMBINATION  
OF STATE AND FEDERAL CHARGES. THERE IS ALSO EVIDENCE THAT  
ANOTHER PERSON, MARIO SOLANO, PARTICIPATED IN THE TRANS-  
PORTATION OF FIREARMS FROM THE UNITED STATES TO MEXICO FOR  
USE AGAINST THE CUBAN CONSUL. SOLANO IS CURRENTLY IN THE  
CUSTODY OF FLORIDA AUTHORITIES ON A STATE CHARGE UNRELATED  
TO THE MERIDA INCIDENT. ALL FOUR SUSPECTS ARE KNOWN MEM-  
BERS OF THE COORDINATION OF UNITED REVOLUTIONARY ORGANIZA-  
TIONS (CORU), AN UMBRELLA ORGANIZATION FOR FIVE ANTI-  
CASTRO GROUPS WHICH HAS CLAIMED CREDIT FOR NUMEROUS ACTS  
OF TERRORISM INCLUDING THE OCTOBER 6 BOMBING OF AN AIR  
CUBANA PLANE OFF BARBADOS.

3. THE STATE OF FLORIDA IS PROSECUTING CASTILLO FOR PAR-

TICIPATING IN A BOMBING AT THE UNIVERSITY OF MIAMI IN APRIL 1976. THE STATE'S CASE RESTS FUNDAMENTALLY ON THE TESTIMONY OF AN ACCOMPLICE WHO HAS PLED GUILTY TO LESSER CHARGES ARISING FROM THE SAME INCIDENT. THE TRIAL IS

SCHEDULED FOR MARCH 28. IF CASTILLO IS ACQUITTED, THE ONLY OTHER INDICTMENT CURRENTLY PENDING AGAINST HIM IS FOR FRAUD IN APPLYING FOR A U.S. PASSPORT. THE TRIAL ON THAT CHARGE IS EXPECTED TO TAKE PLACE ON APRIL 4, BUT EVIDENCE NEEDED TO CONVICT HIM -- INCLUDING THE U.S. PASSPORT, WHICH MUST BE PRESENTED -- IS IN THE HANDS OF MEXICAN AUTHORITIES. CONVICTION ON THIS CHARGE WOULD BRING A MAXIMUM SENTENCE OF FIVE YEARS AND A \$2,000 FINE. WITHOUT THE ASSISTANCE OF MEXICAN AUTHORITIES TO OBTAIN THE NECESSARY EVIDENCE, IT WILL NOT BE POSSIBLE TO PROSECUTE THE CASE.

4. WHILE THE DEPARTMENT OF JUSTICE AND FEDERAL BUREAU OF CONFIDENTIAL

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PAGE 04 STATE 057718

INVESTIGATION HAVE BEEN INVESTIGATING EVENTS IN THE UNITED STATES LEADING UP TO THE MERIDA INCIDENT AND FOUND SEVERAL POSSIBLE VIOLATIONS OF U.S. LAW, NO OTHER INDICTMENTS ARE POSSIBLE UNLESS MEXICAN AUTHORITIES PERMIT U.S. LAW ENFORCEMENT OFFICIALS TO HAVE ACCESS TO CERTAIN OTHER EVIDENCE IN THEIR CUSTODY.

5. THE JUSTICE DEPARTMENT HAS IDENTIFIED SIXTEEN ITEMS OF PHYSICAL AND DOCUMENTARY EVIDENCE IT NEEDS TO OBTAIN IN INDICTMENTS; THEY INCLUDE TWO FIREARMS, A SILENCER, TWO U.S. PASSPORTS, TOURIST VISAS, MEXICANA AIRLINES TICKETS, AND THREE CANS CONTAINING EXPLOSIVES AND DETONATORS. WHILE THE ORIGINALS ARE BETTER FOR COURT PRESENTATION, THE JUSTICE DEPARTMENT WOULD BE PREPARED TO RELY ON PHOTOGRAPHIC REPRODUCTIONS PREPARED BY THE FBI, IF MEXICAN AUTHORITIES WOULD PERMIT ACCESS TO THE ORIGINALS TO ENABLE REPRODUCTIONS TO BE MADE. THE JUSTICE DEPARTMENT WILL ALSO NEED THE TESTIMONY IN COURT OF CERTAIN MEXICAN NATIONALS, INCLUDING MEMBERS OF THE POLICE WHO ARRESTED RUIZ AND JIMENEZ AND SEIZED THE SIXTEEN ITEMS REFERRED TO ABOVE WHICH ARE TO BE PRESENTED AS EVIDENCE.

6. REPRESENTATIVES OF THE JUSTICE DEPARTMENT AND THE FBI RECENTLY RETURNED FROM MEXICO WHERE THEY DISCUSSED THESE PROBLEMS IN DETAIL WITH A NUMBER OF FEDERAL AND STATE OFFICIALS, INCLUDING LIC. MANUEL ROSALES MIRANDA, DEPUTY ATTORNEY GENERAL OF MEXICO. ALL EXPRESSED A DESIRE TO BRING TERRORISTS TO JUSTICE AND OFFERED THEIR FULL COOPERATION. HOWEVER, FOR A VARIETY OF REASONS BEYOND THE CONTROL OF THE JUSTICE AND FBI REPRESENTATIVES, THEY WERE UNABLE TO ACCOMPLISH THEIR OBJECTIVES IN MEXICO, AND IT

REMAINS IMPOSSIBLE TO PROSECUTE GUSTAVO CASTILLO OR MARIO SOLANO WITHOUT FURTHER ASSISTANCE FROM THE MEXICAN GOVERNMENT.

7. IN VIEW OF THE HIGH PRIORITY WHICH BOTH OUR GOVERN-  
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PAGE 05 STATE 057718

MENTS GIVE TO COMBATTING TERRORISM AND THE MUTUAL OBJECTIVES WE SHARE IN CURBING SUCH INTERNATIONAL ACTS, THE EMBASSY OF THE UNITED STATES OF AMERICA RESPECTFULLY REQUESTS THE SECRETARIAT OF FOREIGN RELATIONS TO USE ITS GOOD OFFICES IN ORDER TO ASSURE THAT THE NECESSARY EVIDENCE CAN BE MADE AVAILABLE TO THE U.S. DEPARTMENT OF JUSTICE. THE DEPARTMENTS OF STATE AND JUSTICE WOULD LIKE TO SEND REPRESENTATIVES TO MEXICO IN THE VERY NEAR FUTURE FOR THE PURPOSES OF IDENTIFICATION OF EVIDENCE AND AUTHENTICATION UNDER SUCH ARRANGEMENTS AS MAY BE NECESSARY TO ASSURE ITS ADMISSIBILITY IN U.S. COURT PROCEEDINGS. THE U.S. REPRESENTATIVES WOULD ALSO BE PREPARED TO DISCUSS THE ASSISTANCE LAW ENFORCEMENT AGENCIES OF THE UNITED STATES COULD GIVE TO MEXICAN OFFICIALS FOR THE PURPOSE OF OBTAINING EVIDENCE IN THE UNITED STATES TO SUPPORT MEXICAN CHARGES AGAINST ANY OF THE PERSONS IMPLICATED IN THE INCIDENT IN MERIDA.

8. BECAUSE OF THE EARLY DATE OF SCHEDULED COURT PROCEEDINGS, FOLLOWING WHICH CASTILLO MAY HAVE TO BE SET FREE IF INSUFFICIENT EVIDENCE IS AVAILABLE, THE EMBASSY HAS BEEN INSTRUCTED TO REQUEST URGENT CONSIDERATION OF THIS MATTER.

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## Message Attributes

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